



Senate Fiscal Agency
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Senate Bill 348 and 349 (as reported without amendment)

Sponsor: Senator Mallory McMorrow

Committee: Housing and Human Services

CONTENT

Senate Bill 348 would amend the Mental Health Code to prohibit a mental health professional from engaging in conversion therapy with a minor. A mental health professional that did so would be subject to disciplinary action and licensing sanctions.

Senate Bill 349 would amend the Mental Health Code to define "conversion therapy" as any practice or treatment by a mental health professional that seeks to change an individual's sexual orientation or gender identity, including efforts to change behavior or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward an individual of the same gender. The term would not include counseling that provided assistance to an individual undergoing a gender transition, counseling that provided acceptance, support, or understanding of an individual or facilitates an individual's coping, social support, or identity exploration and development, including sexual orientation-neutral intervention to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling did not seek to change an individual's sexual orientation or gender identity.

Proposed MCL 330.1901a (S.B. 348)
MCL 330.1100a (S.B. 349)

Legislative Analyst: Eleni Lionas

BRIEF RATIONALE

Currently, 21 States have banned the practice of conversion therapy on minors. In June 2021, Governor Gretchen Whitmer announced Executive Directive 2021-3, which, among other things, noted a discreditation of the practice and prohibited the Department of Health and Human Services (DHHS) from using State or Federal funds for conversion therapy on minors. Some people believe that therapists should be prohibited from performing therapy on minors that could result in harm to their wellbeing later.

FISCAL IMPACT

Senate Bill 348 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) and no significant impact on local units of government. If a licensed professional were reported for an alleged violation under the bill, LARA could incur investigatory costs if the violation met the standards for gross negligence or willful misconduct. However, these costs likely would be covered by existing appropriations. These costs could be partially offset by any fines imposed by LARA.

The bill would have no fiscal impact on the DHHS. Since June 2021, the DHHS has been prohibited from using State or Federal funds for the practice of conversion therapy on minors. This includes funds related to Medicaid, the Children's Health Insurance Program, child welfare services, and juvenile justice programs. As this bill would codify the requirements in the Executive Directive 2021-3, there would be no change to current departmental policy.

Date Completed: 6-14-23

Fiscal Analyst: Ellyn Ackerman; Elizabeth Raczkowski

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Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.